

### **REMARKS/ARGUMENTS**

Applicants would like to thank the examiner for the careful consideration given the present application. By the present amendment, claims 1-11 remain in the application while claim 9 is amended. Applicants respectfully request reconsideration and allowance.

#### ***Priority***

Applicants again request acknowledgment of the priority claim and confirmation that the priority documents have been received. According to the MPEP § 1828, the International Bureau is to furnish copies of the certified priority document(s) to the designated offices. If the certified copies have not been forwarded to the designated office, the examiner may contact either the Special Program Examiner in their technology center, or contact Mike Neas at PCT-help desk (571-272-3289) for assistance in retrieving the certified copies.

#### ***Claim Objections***

Claims 3 and 6-9 are objected to for informalities. Regarding claim 3, applicants respectfully disagree with the comment in the Office Action. The term “the transmission output control signal” in claim 3, line 7, refers to “a transmission output control signal amplitude-modulated based on an amplitude component of the input modulation signal” in independent claim 1 not “the output control input terminal” as asserted in Office Action. Claim 3 is supported by the disclosure of the specification (see pp. 9, lines 1-9).

Claim 9 has been amended accordingly per the examiner’s comment, and thus, the objection as it applies to the claims is moot.

#### ***Claim Rejections - 35 USC § 102***

Claims 1-3, 7, 8, and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Hara *et al.* (US 2006/0046666, hereinafter “Hara”). The Hara reference, however, cannot be cited under section 102(e). The Hara reference was filed after November 29, 2000 (filed on August 10, 2004), and the international publication (WO 2005/036739) of the Hara reference was not published in English (it was published in Japanese) under PCT Article 21(2). The Office Action states that “the prior art date of the Hara reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e))”. But this is incorrect. Hara’s international application was filed after November 29, 2000. Therefore, according to section 102(e), the Hara reference cannot be cited under section 102(e).

Regarding 35 U.S.C. 102 (a) and 102 (b) rejections, the PCT international filing date of present application (January 11, 2005) predates the international application’s (WO 2005/036739) publication date (April 21, 2005) of the Hara reference as well. Therefore, both 35 U.S.C. 102 (a) and 102 (b) rejections cannot be applied based on the Hara reference. Also, the priority application (JP 2003-348243) of the Hara reference was published after the PCT filing date of present application, and is not applicable either.

The Office Action states “without the copies of the two foreign priority applications, it is unable to determine that are the present claims directly related to the invention of the two foreign priority applications”. This is irrelevant because applicants are not replying on the priority dates of the Japanese applications to overcome the rejections. Applicants are replying on the PCT filing date. Applicants are not required to file further document to obtain the benefit of the PCT filing date.

Thus, it is respectfully requested that the claim rejections under 35 U.S.C. 102 as being anticipated by Hara be withdrawn.

Claims 1-8 and 11 are rejected under 35 U.S.C. 102(c) as being anticipated by Zhang *et al.* (US 2005/0135502, hereinafter “Zhang”).

Independent claim 1, in part, explicitly requires “if transmission output power of the power amplifying unit is equal to or greater than a predetermined value. ..., the power amplification unit is operated in the saturation mode, ...; if the transmission output power is less than the predetermined value, ..., the power amplification unit is operated in the linear mode”. Zhang fails to teach the above-mentioned limitations. By contrast, although Zhang discloses when the transmitter 380 is operating in EDGE mode, power amplifier (PA) 330 sometimes operate in saturated mode and sometimes operate in linear mode, the PA 330 in Zhang operates in saturation mode during ramp up and ramp down and operates in linear mode during EDGE data burst (see pp. 5, [0060]). Accordingly, at EDGE mode, the transmitter 380 in Zhang is switches between two modes at a condition different from claim 1. In addition, at GSM mode, the transmitter 330 of Zhang is always operating at saturation mode (see pp. 5, [0060]).

In view of the differences between the claimed subject matter and the cited reference, applicants respectfully submit that claim 1 is allowable over the reference, and withdrawal of the rejection is respectfully requested.

Claims 2-8 and 11 depend from independent claim 1 and are, therefore, allowable for at least the reasons provided in support of the allowability of claim 1.

### ***Claim Rejections - 35 USC § 103***

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hara. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hara in view of Mattila *et al.* (US

5,432,473). Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hara in view of Bengtsson *et al.* (US 2002/0071497).

As all 35 U.S.C. 103 rejections are relied upon the Hara reference which is not applicable under 35 U.S.C. 102 rejections, it is respectfully requested that the claim rejections under 35 U.S.C. 103 be withdrawn.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang in view of Hadjichristos (US 2004/0219891). Claim 10 depends from independent claim 1 and is, therefore, allowable for at least the reasons provided in support of the allowability of claim 1.

***Allowable Subject Matter***

The examiner stated that claim 9 contains allowable subject matter. Claim 9 has been amended and put in independent form, and therefore, claim 9 should be allowed.

In consideration of the foregoing analysis, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No.: NGB-40601.

Respectfully submitted,  
PEARNE & GORDON, LLP

Date: December 3, 2009

By: /michaelwgarvey/  
Michael W. Garvey, Reg. No. 35878

1801 East 9<sup>th</sup> Street  
Suite 1200  
Cleveland, Ohio 44114-3108  
(216) 579-1700